CALIFORNIA RESOURCES CORPORATION

PALM/GOLDENWEST SPECIFIC PLAN AMENDMENT

HUNTINGTON BEACH, ORANGE COUNTY, CALIFORNIA

Biological Resources Assessment

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April 2026

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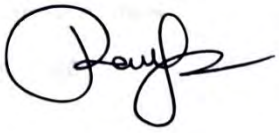
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Biological Resources Assessment

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



Travis J. McGill
Director/Biologist



Rachael A. Lyons
Associate Biologist

April 2026

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Section 1 Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources assessment prepared for the proposed Palm/Goldenwest Specific Plan Amendment Project located in the City of Huntington Beach, Orange County, California. ELMT biologist Rachael A. Lyons conducted field surveys and evaluated the condition of the habitat within the Project site on May 19, 2025

The purpose of the biological resources assessment is to characterize existing site conditions on the entire Project site and to assess the probability of occurrence of special-status[1] plant and wildlife species that could pose a constraint to project implementation. Special attention was given to the suitability of the project site to support western snowy plover (*Charadrius nivosus nivosus*), California least tern (*Sternula antillarum browni*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), salt marsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*) and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) and other electronic databases as potentially occurring within and in the general vicinity of the Project site.

The site was also evaluated for its potential to support natural drainage features, ponded areas, and/or water bodies that have the potential to fall under the regulatory authority of the of the California Coastal Commission (CCC), United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or California Department of Fish and Wildlife (CDFW) pursuant to the Coastal Zone Management Act, Sections 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Section 1600 *et seq.* of the Fish and Game Code, respectively. A Delineation of State and Federal Jurisdictional Waters report (ELMT, 2025) was prepared under separate cover.

1.1 PROJECT LOCATION

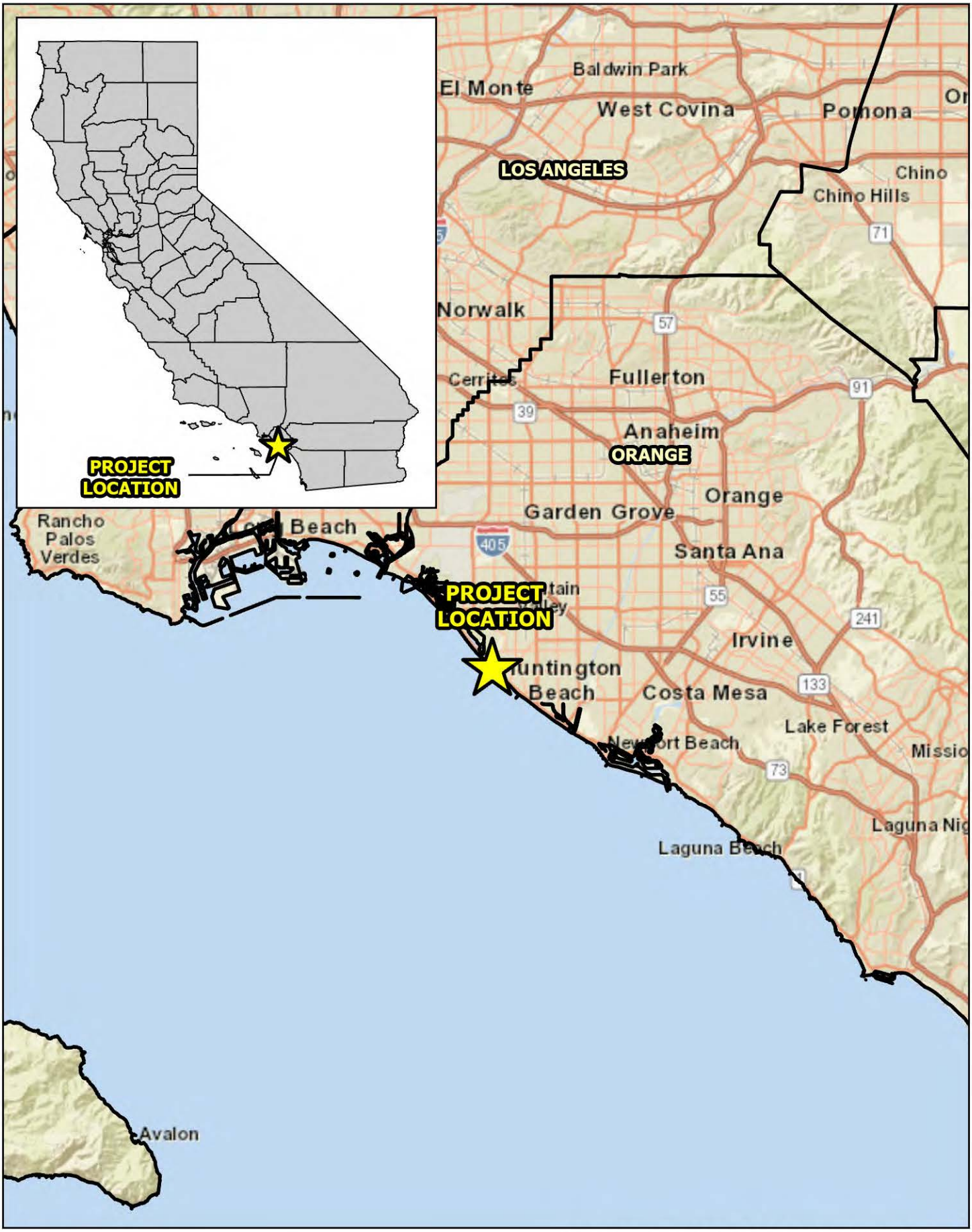
The Project site is generally located west of State Route 39, south of Warner Avenue, and northwest of the Pacific Ocean (Exhibit 1, *Regional Vicinity*). The site is depicted on the Seal Beach quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Lot 28 of an un-sectioned portion of Township 6 South, Range 11 West (Exhibit 2, *Site Vicinity*). Specifically, the Project site is bounded to the southwest by State Route 1, to the southeast by Goldenwest Street, to the northwest by Seapoint Street, and is partially bounded to the northeast by Palm Avenue within Assessor Parcel Numbers (APNs) 023-181-53 and -54 (Exhibit 3, *Project Site*).

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally or State listed, proposed, or candidates; plant species that have been designated a California Native Plant Society (CNPS) Rare Plant Rank; wildlife species that are designated by the California Department of Fish and Wildlife (CDFW) as fully protected, species of special concern, or watch list species; California Department of Forestry and Fire Protection sensitive species.

1.2 PROJECT DESCRIPTON

The Project proposes the revision of an adopted specific plan for a portion of the 92-acre project site. Development includes high-quality housing and resort-style hospitality and commercial offerings including retail and dining. Specifically, housing will encompass approximately 53 acres of the site with up to 800 residential units consisting of a mix of single-family detached homes, townhomes, and condominiums, ten percent of which will comply with City affordable housing policies. Resort-style hospitality and commercial spaces will encompass approximately 16 acres of the site with up to 350 hotel rooms, retail and dining. Additionally, approximately 23 acres will be allocated to open space, including a one-mile linear park along Pacific Coast Highway.

The project site includes an approximately 3.1-acre parcel northwest of Seapoint Street, which is zoned as Open Space/Park. The proposed project footprint entirely excludes this area. As such, no project-related impacts, including parking or staging of any kind will occur within this area.



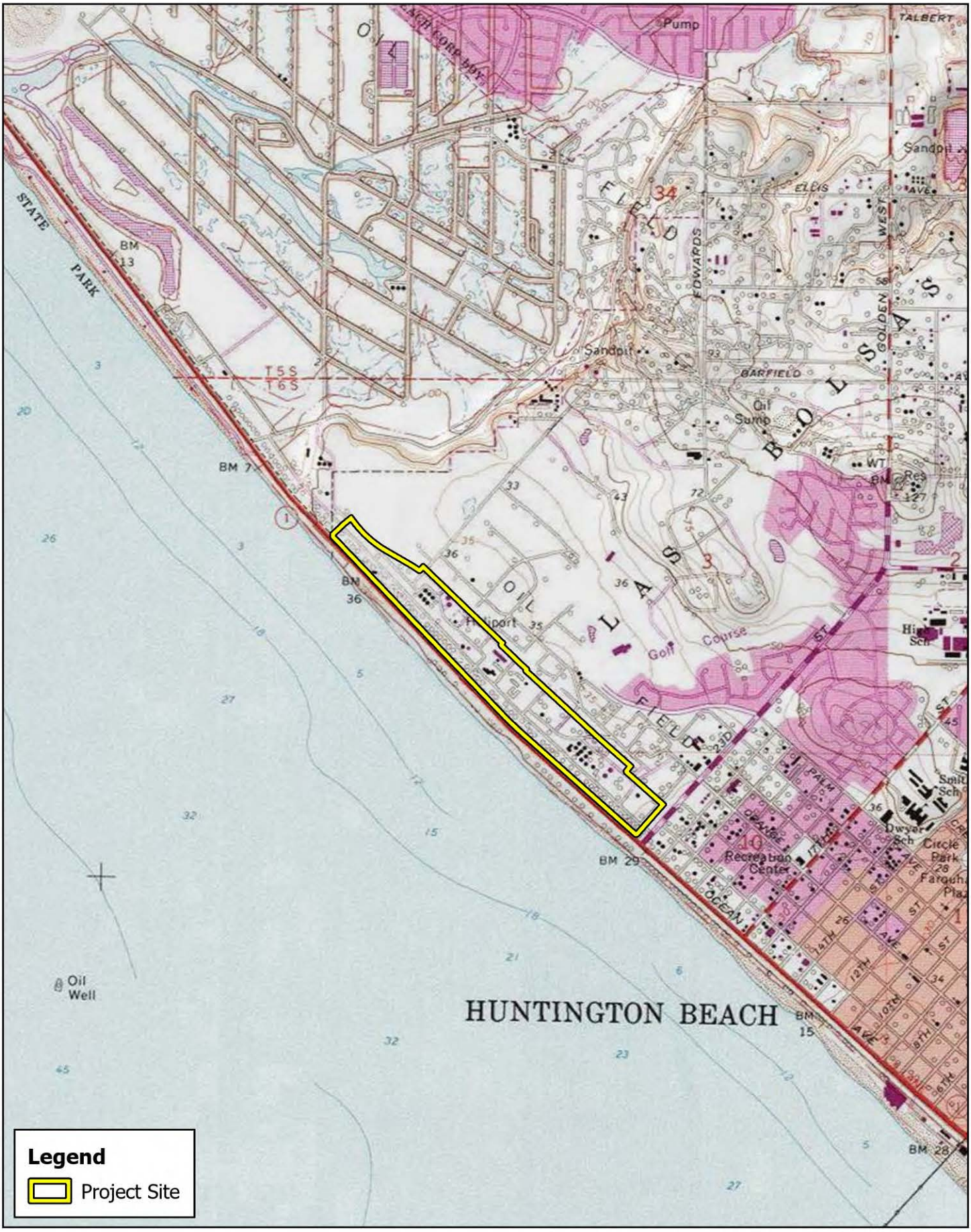
ELMT CONSULTING

Source: World Street Maps; County of Orange

PALM & GOLDENWEST SPECIFIC PLAN AMENDMENT
BIOLOGICAL RESOURCES ASSESSMENT

Regional Vicinity

Exhibit 1



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Site Vicinity

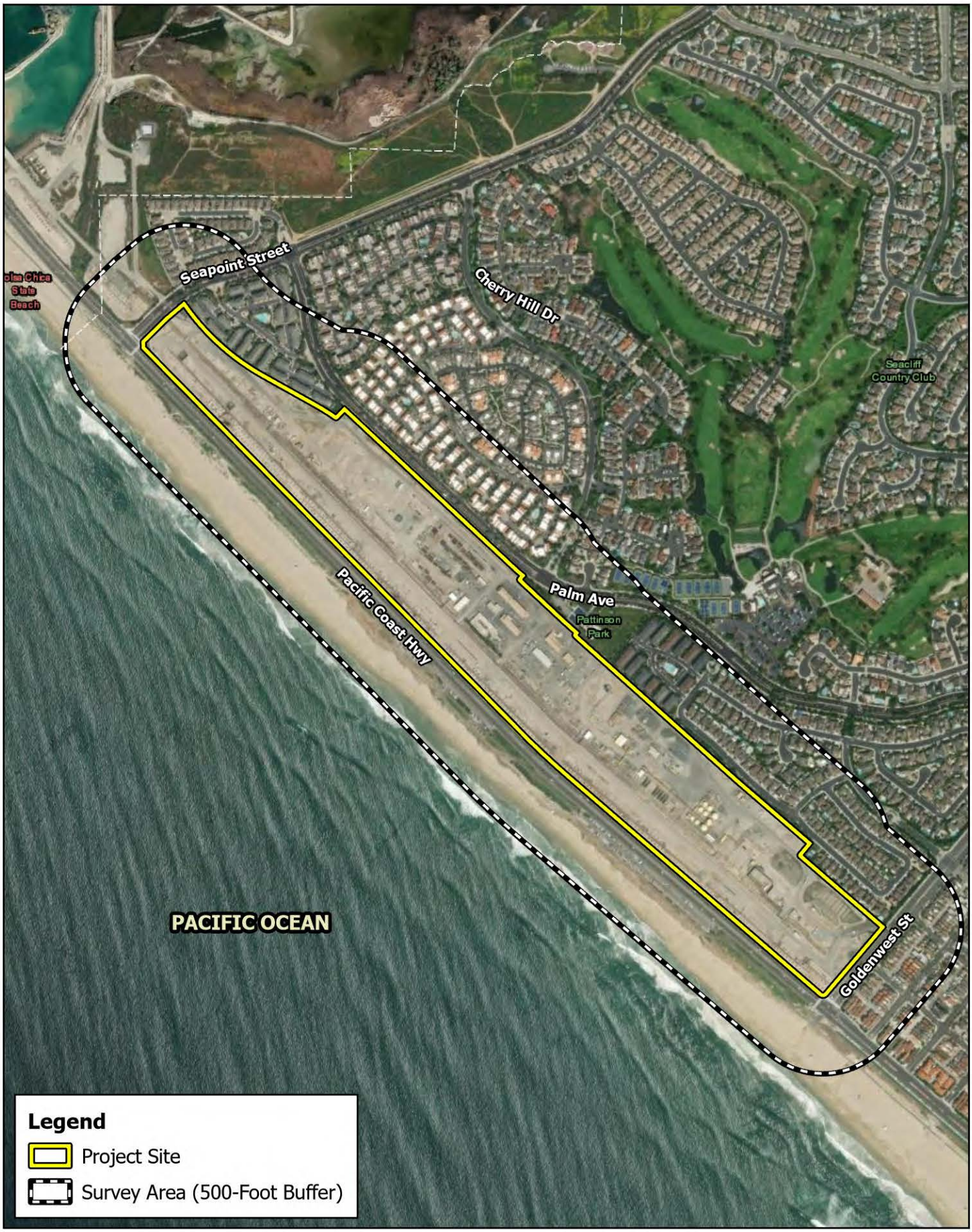
ELMT CONSULTING

N

0 750 1,500 3,000 US Feet

Source: USGS Topographic Map; County of Orange

Exhibit 2



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BIOLOGICAL RESOURCES ASSESSMENT

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N

0 500 1,000 2,000 US Feet

Source: ESRI Aerial Imagery; County of Orange

Project Site

Exhibit 3

Section 2 Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the Project site. In addition to the literature review, a general habitat assessment or field investigation of the Project site was conducted. The field investigation was conducted to document existing conditions within the Project site and assess the potential for special-status biological resources to occur.

2.1 LITERATURE REVIEW

Prior to conducting the field study, species and habitat information were gathered from relevant databases for the Seal Beach and Newport Beach USGS 7.5-minute quadrangles to identify species and habitats known to occur locally. These quadrangles were queried due to the proximity of the Project site to quadrangle boundaries and regional topography. The literature review sources included:

- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers;
- Google Earth Pro historic aerial imagery (1985-2025);
- USFWS Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI);
- National Oceanic and Atmospheric Administration (NOAA) Essential Fish Habitat Mapper.

The literature review provided a baseline to inventory the biological resources potentially occurring on the subject property. The CNDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the Project site.

2.2 FIELD INVESTIGATION

ELMT biologist Rachael A. Lyons evaluated the extent and conditions of the plant communities and habitat found within the boundaries of the Project site and 500-foot buffer (survey area) where accessible on May 19, 2025. Plant communities identified on aerial photographs during the literature review were verified in the field by walking meandering transects throughout the project site. The plant communities were evaluated for their potential to support special-status plant and wildlife species. In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area. Special attention was given to special-status habitats and/or undeveloped areas, which have higher potentials to support special-status plant and wildlife species.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, landcover type(s), condition of on-site plant communities, and presence of potential jurisdictional drainage and/or wetland features were noted.

2.3 SOIL SERIES ASSESSMENT

On-site and adjoining soils were researched prior to the field survey using the USDA NRCS Soil Survey for Orange County. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the Project site has undergone.

2.4 PLANT COMMUNITIES

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), CDFW (2010) and Holland (1986), delineated on an aerial photograph, and then digitized into ArcGIS. The ArcGIS application was used to compute the area of each plant community in acres.

2.5 PLANTS

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study references the Jepson eFlora 2025 database and reflects the most recent taxonomic nomenclature represented by the CDFW CNDDB. In this report, scientific names are provided immediately following common names of plant species (first reference only).

2.6 WILDLIFE

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are fairly standardized, scientific names are provided immediately following common names in this report (first reference only).

2.7 JURISDICTIONAL DRAINAGES AND WETLANDS

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the CCC, Corps, Regional Board, and/or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial

photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS NWI and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the Project site.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

Orange County features a subtropical Mediterranean climate with high summer temperatures and cool winter months. Climatological data obtained for the City of Huntington Beach indicates the average annual precipitation is approximately 12 inches with almost all the precipitation occurring between the months of December and March and hardly any occurring in between the months of June through August. The wettest month is February with a monthly average total precipitation of 2.9 inches. The average annual maximum and minimum temperatures of Huntington Beach 69.8 and 45 degrees Fahrenheit (F) respectively with August being the hottest month (monthly average of 75° F) and December being the coldest month (monthly average of 64.4° F). Temperatures during the site visits were in the high 60s to low-70s (degrees Fahrenheit) with infrequent, moderate winds and intermittent cloud cover.

3.2 TOPOGRAPHY AND SOILS

On-site surface elevation ranges from approximately 31 to 42 feet above mean sea level. Onsite topography is generally flat with no areas of significant topographic relief. Based on the USDA NRCS Soil Survey, the project site is surrounded and underlain by the following soil series:

- Beaches
- Marina Loamy Sand (0 to 2 percent slopes)
- Myford Sandy Loam (0 to 2 percent slopes; 9 to 30 percent slopes, eroded)
- Hanford fine sandy loam (moderately deep and deep over sand; 0 to 1 percent slopes)
- Tidal Flats

Soils onsite have been highly disturbed and compacted from historic anthropogenic disturbances such as weed abatement, grading, and onsite and surrounding development. Refer to Exhibit 4, *Soils*.

3.3 SURROUNDING LAND USES

The Proposed Project Site is located an area which primarily supports residential development and public beaches within the City of Huntington Beach. The project site is bounded to the southwest by State Route 1 with Huntington Dog Beach beyond; to the northwest by Seapoint Street, with developed land and the Bolsa Chica wetlands beyond; to the northeast by residential development, with Harriet Wieder Regional Park beyond; and to the southeast by Goldenwest Street with residential development beyond.



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BIOLOGICAL RESOURCES ASSESSMENT

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N 0 500 1,000 2,000 US Feet

Soils

Source: ESRI Aerial Imagery; County of Orange

Exhibit 4

Section 4 Discussion

4.1 SITE CONDITIONS

The project site supports the California Resources Corporation Huntington Beach industrial site which specializes in oil and natural gas production. As a result, the majority of the project site is either developed or heavily disturbed from existing land uses. The site supports industrial development associated with ongoing oil and natural gas production and processing.

4.2 VEGETATION & LANDCOVER TYPES

No plant communities were observed onsite at the time of the investigation. In addition, the majority of the site supports two (2) land cover types that would be classified as Developed and Disturbed. (refer to Exhibit 5, *Vegetation*). Also refer to Appendix B, *Site Photographs*.

4.2.1 Developed

The majority of the project site supports developed land in the form of industrial use roadways, administrative-facilities, and operational processing structures and machinery associated with oil and natural gas production. Developed land is found throughout the project site, with the exception of the northwest corner, and these areas are entirely void of vegetation with the exception of several ornamental plant species installed around administrative buildings onsite. Ornamental species observed within the developed areas onsite include Brazilian peppertree (*Schinus terebinthifolia*), California palm (*Washingtonia filifera*), African iris (*Dietes iridioides*), bottlebrush (*Callistemon* sp.), Chinese juniper (*Juniperus chinensis*), Indian hawthorne (*Rhaphiolepis indica*), bird of paradise (*Strelitzia* sp.), New Zealand flax (*Phormium tenax*), mousehole tree (*Myoporum laetum*)

4.2.2 Disturbed

Disturbed land occurs in the margins of-and in conjunction with-developed areas onsite. These areas are generally void of vegetation with the exception of several ruderal, weedy, or non-native/invasive species. Plant species observed within the disturbed areas onsite include prickly lettuce (*Lactuca seriola*), horseweed (*Erigeron canadensis*), slenderleaf iceplant (*Mesembryanthemum nodiflorum*), red-stemmed filaree (*Erodium cicutarium*) and yellow sweet clover (*Melilotus indicus*).

4.3 GENERAL WILDLIFE

Plant communities provide foraging habitat, nesting and denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed during the field survey or that are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

4.3.1 Fish

The detention basins onsite do not have the potential to support fish species due to the absence of surface water. Therefore, no fish species are expected to occur within the boundaries of the project site, and all are presumed to be absent.

4.3.2 Amphibians

The detention basins onsite do not have the potential to support amphibian species due to the absence of surface water, moist soils, and suitable habitat. Therefore, no amphibian species are expected to occur within the boundaries of the project site and all are presumed to be absent.

4.3.3 Reptiles

The project site provides limited foraging and cover habitat for reptilian species adapted to a high degree of anthropogenic disturbance. Common reptilian species that could be expected to occur include southern alligator lizard (*Elgaria multicarinata*) and western fence lizard (*Sceloporus occidentalis*).

4.3.4 Birds

The Project site provides limited foraging and cover habitat for resident and migratory avian species adapted to a high degree of anthropogenic disturbance. Avian species detected during the survey include killdeer (*Charadrius vociferus*), house finch (*Haemorhous mexicanus*), rufous hummingbird (*Selasphorus rufus*), California gull (*Larus californicus*), and western gull (*Larus occidentalis*). Additional avian species which may be expected to occur onsite include Cooper's hawk (*Accipiter cooperii*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), and snowy egret (*Egretta thula*).

4.3.5 Mammals

The Project site provides limited foraging and denning habitat for mammalian species adapted to a high degree of anthropogenic disturbance. The only mammalian species observed onsite at the time of the investigation was California ground squirrel (*Otospermophilus beecheyi*). Additional mammalian species that could occur onsite include Viginia opossum (*Didelphis verginiana*), coyote (*Canis latrans*), and racoon (*Procyon lotor*).

4.4 NESTING BIRDS

The project site supports limited nesting opportunities for year-round and seasonal avian residents, as well as migrating songbirds that have adapted to a high degree of anthropogenic disturbance. No active nests or bird displaying nesting behavior were observed onsite at the time of the investigation, which was conducted during the typical breeding season.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513) which prohibits the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any

vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

4.5 WILDLIFE CORRIDORS AND LINKAGES

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The proposed project site is not located within any designated wildlife corridors or linkages. The nearest wildlife corridor in proximity to the project site is the Pacific Ocean, which is located approximately 450 feet west of the project site. Additionally, Harriet Wieder Regional Park occurs to the northeast of the site. The project site is separated by these areas by Pacific Coast Highway and residential development respectively. Therefore, proposed project development will not result in impacts to designated wildlife corridors, linkages, or undeveloped open space.

4.6 STATE AND FEDERAL JURISDICTIONAL AREAS

There are four key agencies that regulate activities within coastal streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge and/or fill materials into “waters of the United States” pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act; the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code; and The California Coastal Commission (CCC) regulates activities in or affecting the coastal zone under the Coastal Zone Management Act.

The project site supports two water detention basins that were excavated wholly in the uplands and are routinely maintained. The construction of the detention basins did not replace a blue-line stream or other aquatic feature. The basins do not support natural plant communities or riparian habitat(s) that are suitable for special-status species or riparian obligate bird species such as least Bell’s vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-billed cuckoo (*Coccyzus americanus*). Hydrology within the basins is primarily artificial, consisting of intermittent runoff generated by onsite impervious surfaces, or from direct precipitation.

Based on the findings of the Delineation of State and Federal Jurisdictional Waters report prepared under a separate cover (ELMT Consulting, 2025), no Corps, Regional Board, CDFW, or CCC jurisdictional resources were observed onsite during the field delineation. Further discussion is provided below for each regulatory agency.

4.6.1 United States Army Corps of Engineers Jurisdiction

The detention basins onsite were excavated wholly in upland areas to support industrial operations associated with oil and natural gas production and processing within the project site, and therefore will not fall under the regulatory authority of the Corps.

4.6.2 Regional Water Quality Control Board Jurisdiction

In accordance with the Regional Board's "State Policy for Water Quality Control :State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State" (revised April 6, 2021), the Water Code defines "waters of the state" broadly to include "any surface water or groundwater, including saline waters, within the boundaries of the state." The following wetlands are waters of the state:

1. Natural wetlands,
2. Wetlands created by modification of a surface water of the state, and
3. Artificial wetlands that meet any of the following criteria:
    a. Approved by an agency as compensatory mitigation for impacts to other waters of the state except where the approving agency explicitly identifies the mitigation as being of limited duration;
    b. Specifically identified in a water quality control plan as a wetland or other water of the state;
    c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or
    d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):
        i. Industrial or municipal wastewater treatment or disposal,
        ii. Settling of sediment,
        iii. Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,
        iv. Treatment of surface waters,
        v. Agricultural crop irrigation or stock watering,
        vi. Fire suppression,
        vii. Industrial processing or cooling,
        viii. Active surface mining – even if the site is managed for interim wetlands functions and values,
        ix. Log storage,
        x. Treatment, storage, or distribution of recycled water, or
        xi. Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or
        xii. Fields flooded for rice growing.

The detention basins onsite are not natural wetlands, wetlands created by modification of a surface water of the state, or artificial wetland that meets criteria 3a-3d as listed above. The detention basins were

constructed for detention/retention purposes, and do not satisfy any Criteria outlined in The Water Code to be considered waters of the State under the regulatory authority of the Regional Board. Therefore, no Regional Board jurisdictional features are present within the boundaries of the project site, and regulatory approvals from the Regional Board will not be required prior to proposed project implementation.

4.6.3 California Department of Fish and Wildlife Jurisdiction

The onsite detention basins are engineered stormwater management features that do not exhibit characteristics consistent with CDFW's methodology and would not be considered CDFW jurisdictional features. The basins were constructed in upland areas, and do not support riparian vegetation, hydrophytic plant communities, or any geomorphic features associated with natural drainages. Therefore, the proposed project will not result in impacts to CDFW jurisdiction, and a Streambed Alteration Agreement will not be required.

4.6.4 California Coastal Commission Jurisdiction

No CCC-defined Environmentally Sensitive Habitat Areas occur onsite. No coastal waters, wetlands, or environmentally sensitive areas were identified onsite at the time of the investigation. However, since the project site is located within the coastal zone, a coastal development permit (CDP) is required prior to construction, as well as approval from the City that the Project complies with its Coastal Land Use Plan.

The project site is primarily void of vegetation and is specifically void of hydrophytic vegetation. Although historically, hydric soils have been mapped as underlying the project site, these soils have been highly disturbed and compacted due to historic and ongoing land uses. Additionally, there are no portions of the site which support saturated soils. Therefore, the project site does not support wetland conditions per the CCC's regulations, and no coastal wetlands will be impacted through proposed project implementation.

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

The CNDDB Rarefind 5, CNDDB Quickview Tool in BIOS and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Seal Beach and Newport Beach USGS 7.5-minute quadrangles. Two quadrangles were queried due to the proximity of the project site to quadrangle boundaries, regional topography, and conditions within and surrounding the project site. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified thirty-one (31) special-status plant species, eighty-seven (87) special-status wildlife species and four (4) special-status plant communites as having the potential to occur within the the Seal Beach and Newport Beach quadrangles. Special-status plant and wildlife species were evaluated for their potential to occur within the project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources,*

provided in Appendix C. Refer to Table C-1 for a determination regarding the potential occurrence of special-status plant and wildlife species within the Project site.

4.7.1 Special-Status Plants

According to the updated review of the CNDDB and CNPS, thirty (30) special-status plant species have been recorded in Seal Beach and Newport Beach quadrangles (refer to Appendix C). No special-status plant species were observed on-site at the time of the investigation. Due to frequency and degree of ongoing disturbances associated with ongoing land uses, the project site has a limited potential to support suitable habitat for special-status plant species.

Although several special-status plant species are adapted to disturbed environments and have been documented in the vicinity of the project site, soils historically underlying the project site have been highly compacted and overlain by gravel, decomposed granite, asphalt and other manufactured materials to support onsite operations. Additionally, historically disturbed areas in the survey area to the northwest of the project site have been densely colonized by ice plant mats, preventing the establishment of any native special-status species. Therefore, it was determined that the project site has a low potential to support southern tarplant (*Centromadia parryi* ssp. *australis*). Additionally, it was determined that the project site does not have the potential to support any additional special status plant species known to occur in the vicinity of the project site and all are presumed to be absent. Potential impacts to southern tarplant are discussed in further detail below.

Southern tarplant

Southern tarplant is designated as a CNPS Rare Plant Rank 1B.1 species (plants rare, Threatened, or Endangered in California and elsewhere; seriously Threatened in California). It is not federally listed, but is considered a Species of Special Concern in California. Southern tarplant typically is observed in low-lying areas that pond during winter and spring and dry by late summer, leaving behind saline or alkaline soil. Suitable habitat is generally characterized by alkaline or saline clay soils that retain moisture seasonally and develop salt crusts or elevated salinity/alkalinity during the dry season. However, southern tarplant can also occur in disturbed or anthropogenically altered sites, provided that alkaline soils and appropriate hydrology remain intact. This includes graded edges of wetlands, utility corridors, and margins of retention basins with alkaline substrate.

A records search was conducted for southern tarplant within a 5-miles radius of the project site. The nearest CNDDB occurrence for the species was recorded on August 20, 2018, approximately 0.40 mile to the northeast of the site within Harriett M. Wieder Regional Park. The closest observation posted on iNaturalist was made on May 11, 2024, at the same location.

Southern tarplant was not observed within the survey area at the time of the investigation, which was conducted during the typical blooming season for the species (May to November). Given the low likelihood of occurrence and the extremely disturbed conditions of the project area, any potential populations onsite would be expected to be small, isolated, and of limited conservation value. Therefore, the proposed project is not anticipated to result in significant impacts to southern tarplant. Out of an abundance of caution, a clearance survey is recommended to be conducted for the species during the blooming season prior to proposed project implementation to ensure impacts to special status species do not occur.

4.7.2 Special-Status Wildlife

According to the review of the CNDDB, eighty-eight (88) special-status wildlife species have been reported in the Seal Beach and Newport Beach quadrangles (refer to Appendix C). Special status wildlife species observed onsite include California gull and rufous hummingbird.

Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the project site has a high potential to support Cooper's hawk (*Accipiter cooperii*); a moderate potential to support great egret (*Ardea alba*), great blue heron (*Ardea herodias*), and California gull (*Larus californicus*); and a low potential to support burrowing owl (*Athene cuincularia*), snowy egret (*Egretta thula*), California horned lark (*Eremophila alpestris actia*), double-crested cormorant (*Nannopterum auritum*), black-crowned night heron (*Nycticorax nycticorax*), and osprey (*Pandion haliaetus*).

The project site has a limited potential to provide foraging habitat and the ornamental tree species onsite provide marginal nesting opportunities for species adapted to a high degree of anthropogenic disturbance. Potential occurrences of these species within the boundaries of the project site would be primarily incidental due to the common occurrence of these species in the vicinity of the project site and the site's proximity to the Pacific Ocean, Bolsa Chica Wetlands, and Harriet Weider Regional Park, all of which provide better foraging and nesting/denning opportunities for wildlife species in the area. The majority of foraging and nesting opportunities for these species are confined to the northwest corner of the project site which lies outside of the proposed limits of disturbance. Additionally, Cooper's hawk and great blue heron are common predators of California ground squirrel, which occur throughout the site.

Although only marginal nesting opportunities are present, a nesting bird clearance survey is recommended prior to ground disturbance to ensure impacts to nesting bird species do not occur as a result of proposed project implementation.

Due to regional significance, the potential occurrence of western snowy plover, California least tern and western burrowing owl are discussed in further detail below.

Western Snowy Plover

Western snowy plover (*Charadrius nivosus nivosus*) is a federally Threatened species and is a California Species of Special Concern. Western snowy plover is a subspecies of the snowy plover. Nesting habitat for this species includes flat, sandy, and sparsely vegetated areas surrounding coastal dunes, often near natural debris such as shells or kelp. In areas where predation is high, nests may be constructed under overhanging plants (Page et al., 2023). Western snowy plovers are year-round residents in coastal regions throughout California. Nesting season for this species extends from March to September, with peak nesting occurring from mid-April through mid-August. Eggs are incubated for an average of 27 days with young fledging approximately 28 to 31 days after hatching. Double brooding and renesting is typical of this species (Knapp & Woodfield, 2022).

This species is known to occur at the Bolsa Chica Wetlands and Bolsa Chica State Beach and nests commonly in these areas. The project site itself does not provide suitable foraging or nesting habitat for western snowy plover. Huntington Beach and Dog Beach occur southwest of the project site within the

500-foot survey buffer. While these areas historically supported habitat for the species, they are now subject to a high degree of frequent disturbance associated with recreational activities. Therefore, the project site and surrounding survey areas no longer allow for suitable nesting opportunities for the species. Further, the project site is separated from known snowy plover nesting habitat by existing developed and disturbed areas. No direct impacts to western snowy plover are expected to occur.

Indirect impacts to the species associated with the project, such as lighting and noise, are not expected to occur since areas surrounding the project site are already subject to a high level of ambient noise and light from surrounding development, recreational activities, and traffic on Pacific Coast Highway. Further, the coastal bluffs separating Huntington Beach and Dog Beach from Pacific Coast Highway and the project site provide a natural buffer to noise, lighting, and other potential project-related disturbances. However, out of an abundance of caution, a pre-construction nesting bird clearance survey should be conducted prior to ground-disturbance to ensure western snowy plover remain absent from the project site and adjacent areas.

California Least Tern

California least tern (*Sternula antillarum browni*) is a federal and State Endangered subspecies of the least tern and a CDFW fully protected species. Least tern nesting habitat includes bare or sparsely-vegetated sand or mudflats along beaches and rivers, as well as islands (Thompson et al. 1997). Sites that are above the high water mark and are isolated from ground predators are favored. California least terns begin to arrive in Orange County at the beginning of April, although it is not present in large numbers until the end of the month and into early May. Nesting occurs quickly, with eggs being laid typically by the second week in May and fledging occurring from the third week in June until the middle of July. They begin to leave Orange County in late August and are typically gone by mid-September (Hamilton and Willick, 1996).

While this species is known to occur at the Bolsa Chica Wetlands, the project site and adjacent offsite areas do not provide suitable foraging or nesting habitat for California least tern. Additionally, the project site is separated from known least tern nesting habitat by existing development and disturbed areas and the species was not observed within the 500-foot survey buffer at the time of the investigation. Further, project related activities are not expected to directly or indirectly impact the species, since the species would already be acclimated to high ambient noise levels associated with current CRC operations, surrounding development, recreational activities, and traffic on Pacific Coast Highway. No impacts to California least tern are expected to occur. In order to prevent potential indirect impacts to the species, a pre-construction nesting bird clearance survey should be conducted prior to ground-disturbance to ensure California least tern and other nesting bird species remain absent from the project site and adjacent areas.

Burrowing Owl

The burrowing owl is currently listed as a Candidate endangered species under the California Endangered Species Act (CESA). It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk, 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk, 1993). The presence

or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

Despite a systematic search of the project site and 500-foot survey buffer, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. The majority of the project site is either barren or vegetated with a variety of low-growing plant species which allow for line-of-sight observation favored by burrowing owls. Additionally, California ground squirrel and associated burrows were observed at the time of the investigation. However, the small mammal burrows observed onsite were occupied and/or were not large enough (>4 inches in diameter) to support burrowing owl. Additionally, the site supports and is surrounded by power poles and tall trees and structures that provide perching opportunities for large raptors (i.e., red-tailed hawk [*Buteo jamaicensis*]) that can prey on burrowing owls.

Based on the results of the field investigation, it was determined that the project site and 500-foot survey buffer has a low potential to support burrowing owl. No focused surveys are not recommended. Out of an abundance of caution, a pre-construction burrowing owl clearance survey is recommended to be conducted, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012) to ensure burrowing owl remain absent from the project site.

4.8 CRITICAL HABITAT

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers). If a there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within any federally designated Critical Habitat. The nearest Critical Habitat designation is located approximately 0.13 mile to the north of the project site for western snowy plover (*Charadrius nivosus nivosus*). Refer to Exhibit 7, *Critical and Essential Fish Habitat*. Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed Project.

4.9 NATIONAL MARINE FISHERIES

Through Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act, the National Oceanic and Atmospheric Administration (NOAA) is required to work with regional Fishery Management Councils to develop fishery management plans (FMPs) for the protection of fisheries under their jurisdiction. These FMPs are implemented by NOAA's National Marine Fisheries Service (NMFS). One of the required provisions in FMPs is to establish "Essential Fish Habitat" (EFH), defined as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." Through Section 305(b) of the MSA, federal agencies are required to consult with the NMFS on activities that may affect EFH for species that are managed under fishery management plans.

The project site is not located within designated EFH (refer to Exhibit 7). However, designated EFH for groundfish, finfish, krill (*Euphausia pacifica, Thysanoessa spinifera*, and others), and coastal pelagic species is located approximately 216 feet to the west of the site. Additionally, estuarine habitat, which is a Habitat Area of Particular Concern (HAPC) for EFH is located approximately 0.19 mile to the northwest of the project site within the Bolsa Chica Wetlands.



PALM & GOLDENWEST SPECIFIC PLAN AMENDMENT
BIOLOGICAL RESOURCES ASSESSMENT

Vegetation

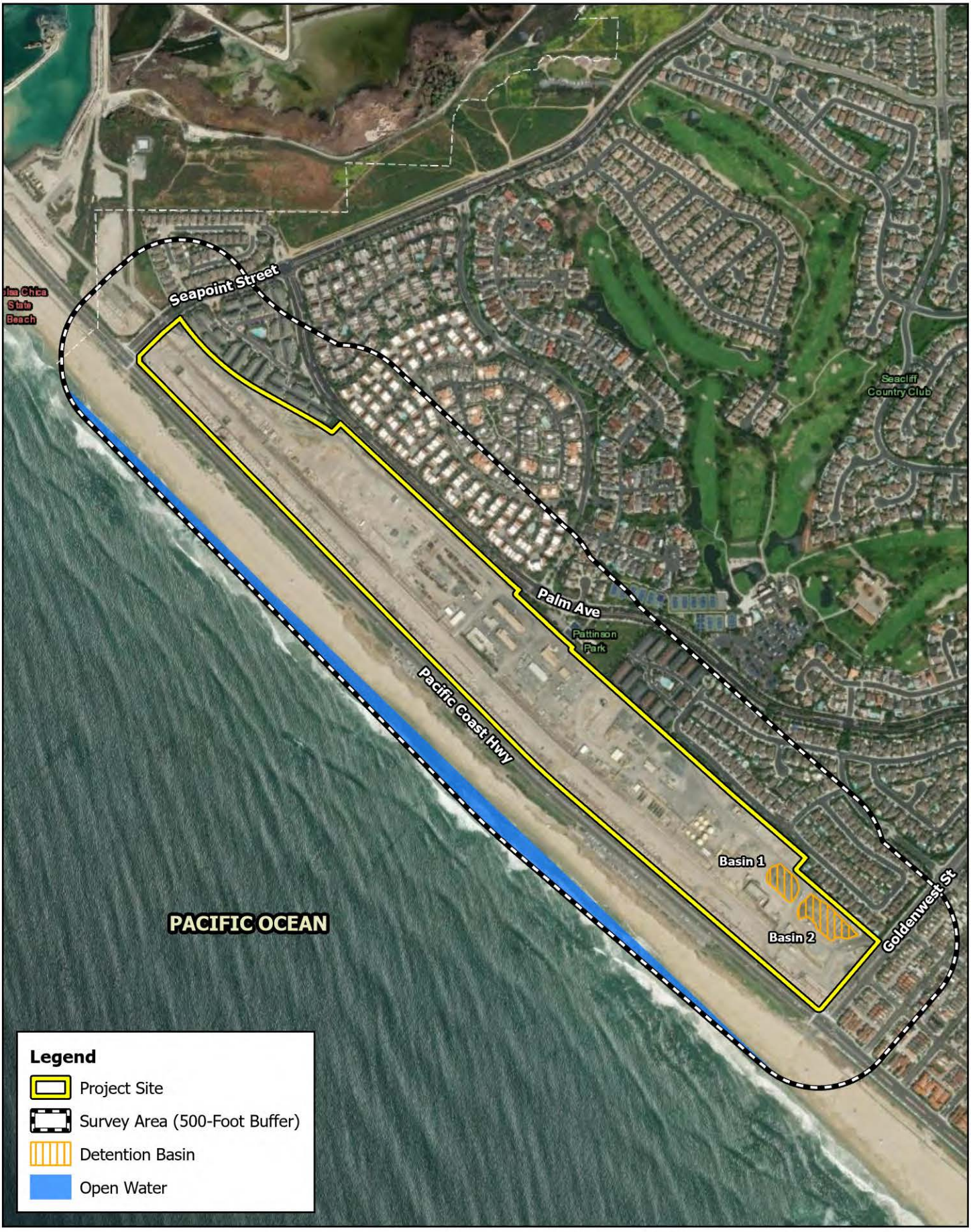
ELMT CONSULTING

N

0 500 1,000 2,000 US Feet

Source: ESRI Aerial Imagery; County of Orange

Exhibit 5



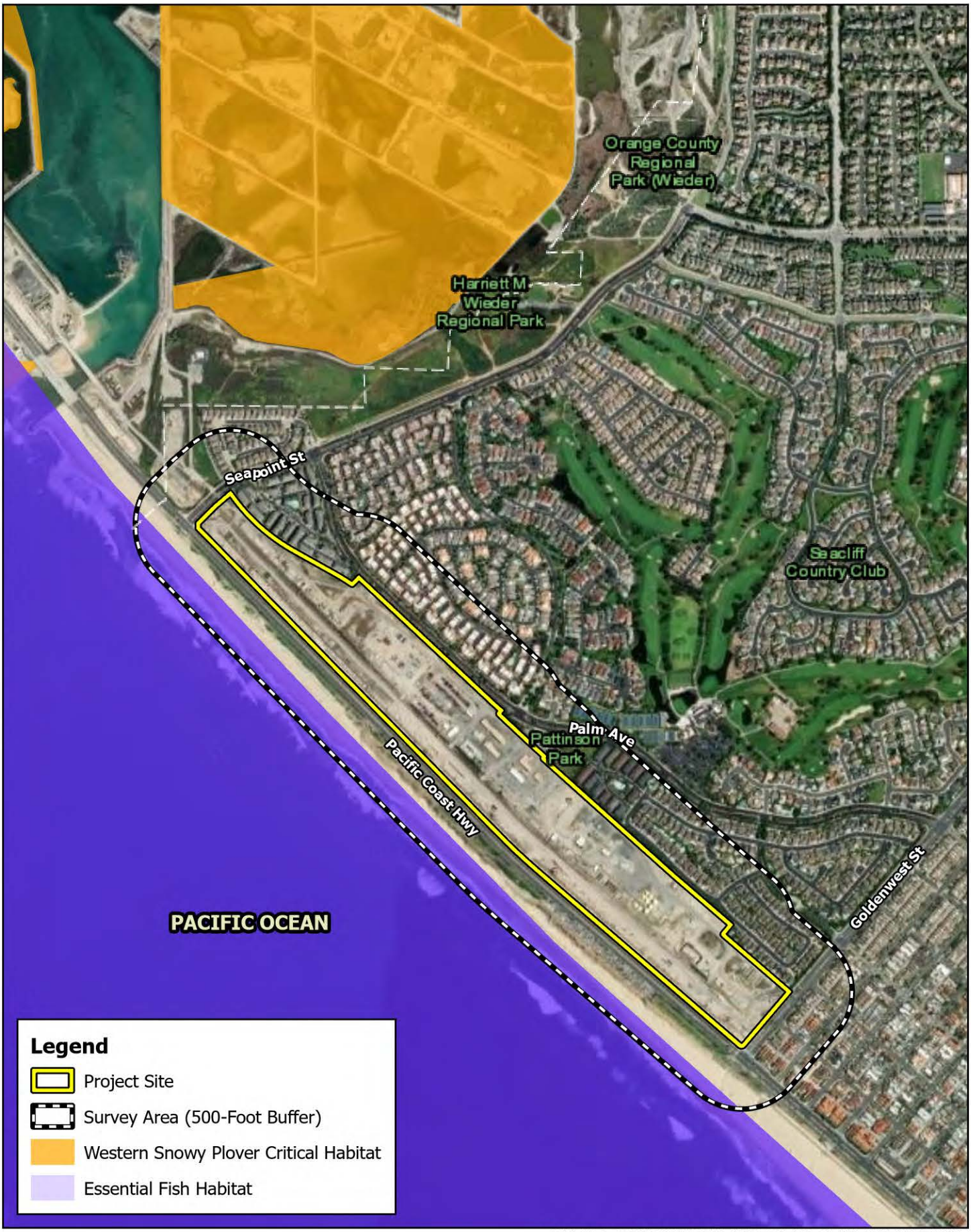
ELMT CONSULTING

Source: ESRI Aerial Imagery; County of Orange

PALM & GOLDENWEST SPECIFIC PLAN AMENDMENT
BIOLOGICAL RESOURCES ASSESSMENT

Onsite Water Features

Exhibit 6



N 0 500 1,000 2,000 US Feet

Source: ESRI Aerial Imagery; County of Orange

ELMT CONSULTING

PALM & GOLDENWEST SPECIFIC PLAN AMENDMENT
BIOLOGICAL RESOURCES ASSESSMENT

Critical & Essential Fish Habitat

Exhibit 7

Section 5 Conclusion and Recommendations

The discussion below provides a summary of survey results; avoidance and minimization efforts; direct, indirect, and cumulative project impacts; and compensatory mitigation measures for each biological resource area required to be analyzed:

Special-Status Plant Species

No special-status plant species were observed during the field investigation. Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the project site has a low potential to support southern tarplant. Further, it was determined the project site does not have the potential to support any other special-status species known to occur in the vicinity of the project site and all are presumed to be absent.

Recommended avoidance, minimization, and mitigation measures are as follows:

Pre-Construction Special-Status Plant Survey

A pre-construction special-status plant clearance survey shall be conducted prior to ground disturbing activities to document the presence/absence of special-status plant species known to occur in the vicinity of the project site. Special attention will be paid to the presence/absence of southern tarplant within the project site and adjoining properties, when accessible. The focused plant survey will be conducted in accordance with protocols and guidelines that have been approved and recommended by the USFWS 1996 Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants; California Department of Fish and Wildlife 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities; and the California Native Plant Society 2001 Botanical Survey.

Due to the variation in blooming periods for special-status plant species known to occur in the vicinity of the site, up to three (3) site visits during the blooming season (March through June) are usually required to make observations during the appropriate phenological stage of the target plant species. Since emphasis will be placed on the presence/absence of southern tarplant within the project site, ELMT recommends that surveys are conducted between March and November to correlate with the typical blooming time of southern tarplant, with at least one (1) of the 3 surveys being conducted during the peak blooming time for the species (May through November).

Following the completion of the surveys, a letter report will be prepared that includes a summary of the methods, conditions, and results of the surveys. An exhibit depicting the project site and survey area will be included in the report that will also include the location of any special-status plant species, if found. If southern tarplant or other special-status plant species are detected and avoidance is not feasible, compensatory mitigation such as seed collection, topsoil salvage, plant salvage could be required.

Special-Status Wildlife Species

No special-status wildlife species were observed on-site during the field investigation. Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the project site has a high potential to support Cooper's hawk; a moderate potential to support great egret, great blue heron, and California gull; and a low potential to support burrowing owl, snowy egret, California horned lark, double-crested cormorant, and black-crowned night heron, osprey.

Recommended avoidance, minimization, and mitigation measures are as follows:

Pre-Construction Nesting Bird Clearance Survey

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

Bird nesting season generally extends from February 1 through August 31. To avoid impacts to nesting birds (both common and special status) during the nesting season, a qualified biologist will conduct a pre-construction nesting bird clearance survey, three (3) days prior to project-related activities to identify any active nests occur on or immediate adjacent to the project site. If project activities are delayed for more than 30 days, a new clearance survey will need to be conducted. Special attention will be paid to the presence of California least tern, since known nesting colonies occur approximately 3,000 feet to the northwest within the Bolsa Chica Ecological Preserve.

If no active nests are found, no further action will be required. However, if an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. Additionally, a biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Although not anticipated, if California least tern are found within the project site, or 500-foot buffer during the pre-construction clearance survey, coordination will need to occur with the CDFW to determine if avoidance and impact prevention measures can be implemented to avoid any direct or indirect impacts to California least tern, or if an Incidental Take Permit Under Section 2081 of the CESA will need to be prepared and approved by CDFW.

Pre-Construction Burrowing Owl Clearance Survey

To ensure burrowing owl remain absent from the project site, a pre-construction burrowing owl clearance survey shall be conducted in accordance with CDFW's 2012 *Staff Report on Burrowing Owl Mitigation*. Two surveys shall be conducted, the first 14-30 days prior to ground disturbing activities and the second within 24 hours immediately before ground disturbing activities. If no burrowing owls are observed onsite, no further review will be required.

The pre-construction survey will identify the presence and location of any burrowing owl within the boundaries of the project site and a 500-foot survey buffer. A report documenting the results of the survey will be sent to the approving authority following the survey.

Although not anticipated, if burrowing owl are found onsite during the pre-construction clearance surveys, coordination will need to occur with the CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if an Incidental Take Permit Under Section 2081 of the CESA will need to be prepared and approved by CDFW.

Jurisdictional Drainages, Riparian Habitat, and Special-Status Natural Communities

No Corps, Regional Board, CDFW, or CCC jurisdictional resources were observed onsite during the field delineation. The project site supports two detention basins. These are man-made, maintained features which serve entirely for retention/detention purposes. Further, these features only support surface water for brief periods following storm events and were wholly excavated in upland areas. These features do not support natural plant communities or have the potential to provide habitat for wildlife species known to occur in the area. As such, regulatory approvals will not be required prior to project implementation for impacts to resources under the jurisdictional authority of the Corps, Regional Board, CDFW, or CCC.

Wildlife Corridors

The Project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the proposed project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area since there is ample habitat in the vicinity of the site to support wildlife movement opportunities. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, and previous land uses, no mitigation is required.

Local, Regional, and State Plans

The Project site is not located within an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Under Section 30500 of the California Coastal Act, each local government within the California Coastal Zone must prepare or have the Coastal Commission prepare for it a Local Coastal Program. The City of Huntington Beach's Local Coastal Program, Coastal Element, was first approved in 2001 and later amended in 2011by the CCC. The Coastal Element describes Water and Marine Resources and Environmentally Sensitive Habitats within the City's jurisdiction.

There are no areas which would be considered Marine Resources or Environmentally Sensitive Habitats within the boundaries of the project site. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the proposed Project, and mitigation is not required.

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Appendix A Site Plan

CRC DEVELOPMENT CONCEPT

LEGEND

- CRC Property Boundary
- Open Space
- Park

CRC PROPERTY AREA:
92.9 AC

OPEN SPACE/PARK:
23.7 AC

DEVELOPMENT AREA:
69.2 AC

COMMERCIAL VISITOR:16.0 AC
FAR: 0.5:1
GFA: 348,480 sf

RESIDENTIAL: 53.2 AC
DU: 800

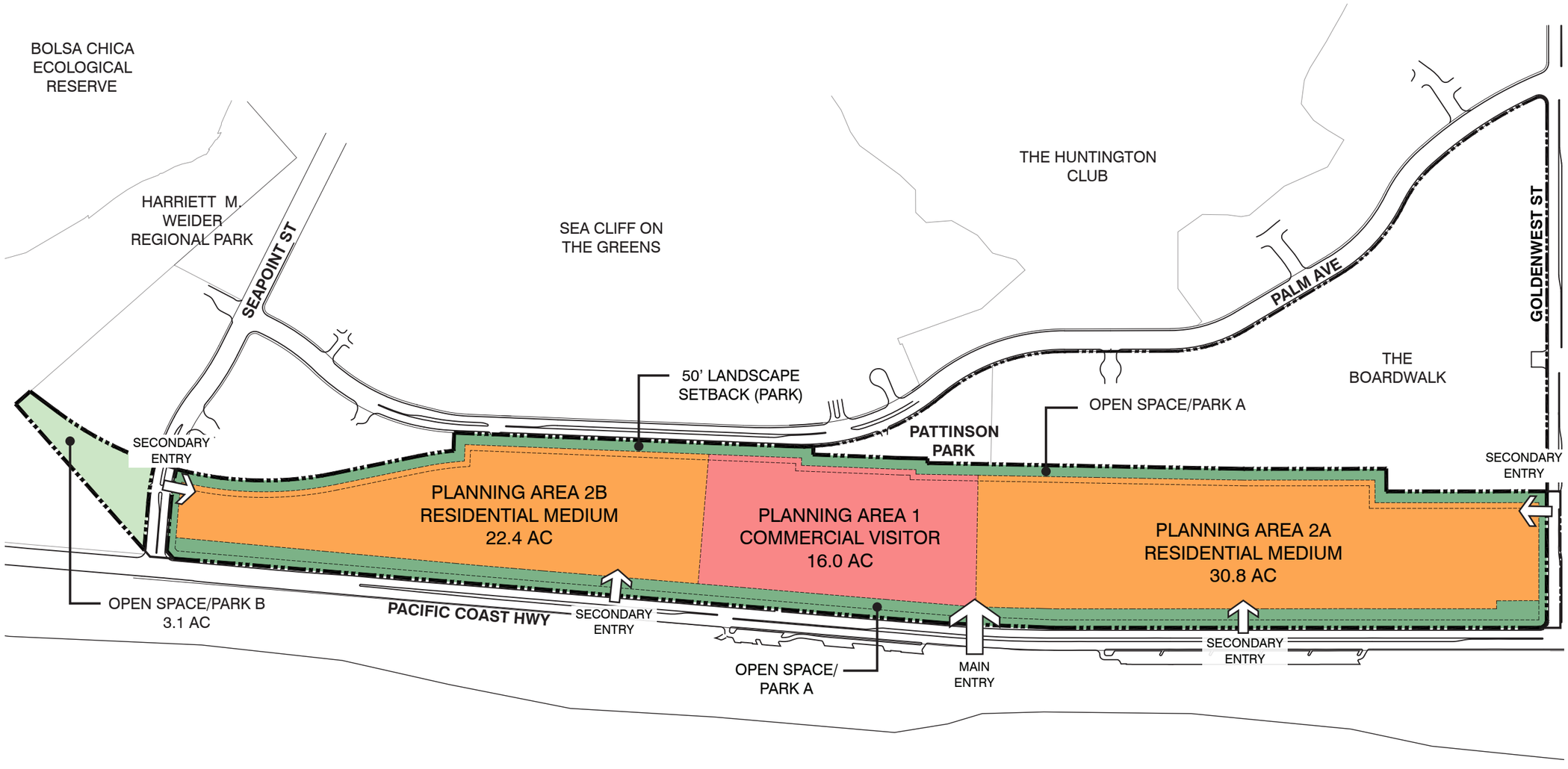


FIGURE 2.1: DEVELOPMENT CONCEPT PLAN

Appendix B Site Photographs



Photograph 1: From the southwest corner of the project site, looking northwest along the western boundary and Pacific Coast Highway.



Photograph 2: From the southwest corner of the project site, looking northeast along the southern boundary and Goldenwest Street



Photograph 3: From the middle of the project site, looking west through existing industrial development and ornamental landscaping onsite.



Photograph 4: From the middle of the project site, looking north along ornamental landscaping and existing development onsite.



Photograph 5: From the middle of the project site, looking south through existing industrial development.



Photograph 6: From the northwest area of the project site, looking northwest through a disturbed area onsite.



Photograph 7: From the northwest area of the project site, looking southeast along the western boundary.



Photograph 8: From the northernmost point of the 500-foot survey buffer, looking southeast through an undeveloped area which supports dense ice plant mats.



Photograph 9: From the northeast area of the project site, looking northwest along the eastern boundary



Photograph 10: From the northeast area of the project site, looking southeast along the eastern boundary.



Photograph 11: From the middle of the eastern boundary, looking west through existing development onsite.



Photograph 12: From the middle of the eastern boundary, looking northwest.



Photograph 13: From the middle of the eastern boundary, looking southeast.



Photograph 14: From a central area of the project site, looking west through existing development.



Photograph 15: Looking south through Detention Basin 1 in the southeast area of the project site.



Photograph 16: Looking east through Detention Basin 2 in the southeast area of the project site.



Photograph 17: Looking east through pipeline present in the southern area of the project site.



Photograph 18: Looking north along pipeline present in the southern area of the project site.

Appendix C Potentially Occurring Special-Status Biological Resources

Table C-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
SPECIAL-STATUS WILDLIFE SPECIES				
Actinemys pallida southwestern pond turtle	Fed: None CA: SSC	Found in ponds, marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation, below 6,000 feet elevation; need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.3 mile from water for egg laying	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Agelaius tricolor tricolored blackbird	Fed: None CA: **THR**	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (Artemisia californica), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Anarhynchus montanus mountain plover	Fed: None CA: SSC	Found in short grasslands, freshly plowed fields, newly-sprouting grain fields, and sometimes in sod farms. Prefers short vegetation or bare ground with flat topography, particularly grazed areas or areas with fossorial rodents.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Anniella stebbinsi southern California legless lizard	Fed: None CA: SSC	Occurs primarily in areas with sandy or loose loamy soils under sparse vegetation of beaches, chaparral, or pine-oak woodland; or near sycamores, oaks, or cottonwoods that grow on stream terraces. Often found under or in the close vicinity of logs, rocks, old boards, and the compacted debris of woodrat nests.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Antigone canadensis canadensis lesser sandhill crane	Fed: None CA: SSC	Nest in open grasslands, such as wet meadows, and freshwater marshes or bogs. Prefer to be far from human habitation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Ardea alba great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	No	**Moderate** Marginal foraging habitat is present within and surrounding the project site. No suitable nesting opportunities are present.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Ardea herodias great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills. Nests colonially in tall trees (typically Eucalyptus sp.), on cliffsides, or in isolated spots in marshes.	No	**Moderate** Marginal foraging and nesting habitat is present within the project site.
Asio flammeus short-eared owl	Fed: None CA: SSC	Suitable habitats include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover 30 to 50 cm in height can support nesting pairs.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aspidoscelis hyperythra orange-throated whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides, rocky hillsides, and coastal chaparral. They are typically found in hot, dry, flat open spaces. Typically, they are seen on the ground running in open spots from bush to bush, but rarely climbing on rocks or vegetation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Astur cooperii Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	**High** The project site and adjacent areas provide suitable foraging opportunities and marginal nesting opportunities. Species occurs commonly in the vicinity of the project site.
Athene cunicularia burrowing owl	Fed: None CA: SSC	Prefers habitat with short, sparse vegetation with few shrubs and well-drained soils in grassland, shrub steppe, and desert habitats. Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	**Low** The project site provides line-of-sight opportunities for burrowing owl. Small mammal burrows observed onsite were occupied and/or were not large enough (>4 inches in diameter). The site does not
Bombus crotchii Crotch's bumble bee	Fed: None CA: CE	Colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south through Baja California. Inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. This species usually nests underground, often in abandoned rodent dens.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Bombus pensylvanicus American bumble bee	Fed: None CA: None	Prefers farmlands, meadows, grasslands, and open fields. Nests below grass or underground. Feeds on pollen of a wide variety of flowering plants including vetches, clovers, goldenrods, and many crop species.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Botarus exilis least bittern	Fed: None CA: SSC	Inhabit freshwater and brackish marshes with tall, dense emergent vegetation like cattails and reeds, interspersed with patches of open water. They can also be found in other wetlands such as salt marshes and mangroves, and use created wetlands such as golf course ponds for wintering habitat. Prefers stable water levels and often nest on larger wetlands (usually larger than 12.3 acres).	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Botaurus lentiginosus American bittern	Fed: None CA: None	Lives in marshes and reedy lakes. Breeds in freshwater marshes, mainly large, shallow wetlands with much tall marsh vegetation such as cattails, grasses, and sedges, and areas of open shallow water. Winters in similar areas, and brackish, coastal marshes. Sometimes feeds in dry, grassy fields.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Branchinecta sandiegonensis San Diego fairy shrimp	Fed: **END** CA: None	Habitat is restricted to vernal pools along coastal southern California and northwestern Baja California, Mexico. Usually observed from January to March during seasonal rainfall events.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Bucephala islandica Barrow's goldeneye	Fed: None CA: SSC	Primarily inhabits freshwater lakes and ponds in forested areas during the breeding season. In winter, found in more sheltered coastal waters such as bays, inlets, and harbors, but may also remain in unfrozen inland lakes and rivers. Nests in cavities of mature and late-successional forest and riparian species adjacent to low gradient waters.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Calypte costae Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	Fed: None CA: SSC	The coastal population inhabits cactus scrub from southern Ventura County and southwestern San Bernardino County to northwestern Baja California.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Charadrius nivosus nivosus western snowy plover	Fed: **THR** CA: SSC	Occurs on sandy beaches, salt pond levees and along the shores of large alkali lakes. Requires sandy or gravelly substrate for nesting.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Chelonia mydas green turtle	Fed: **THR** CA: None	Primarily found in warm, tropical and subtropical waters around the world, particularly in coastal areas and bays with seagrass beds and coral reefs. Occupies three main habitats: oceanic beaches for nesting, pelagic convergence zones for juveniles, and benthic feeding grounds in coastal areas.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Cicindela hirticollis gravida sandy beach tiger beetle	Fed: None CA: None	Requires open, sparsely vegetated sandy areas. Typically found in long, wide dynamic beaches with minimal human and vehicular activities. Prefers find sand with low amounts of organic material.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Cicindela latesignata western beach tiger beetle	Fed: None CA: None	Historically found in coastal mudflats and beaches in southern California. This species is extirpated and is found in sandy areas along estuaries and tidal flats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Cicindela senilis frosti senile tiger beetle	Fed: None CA: None	Found in coastal salt marshes and interior alkali mud flats. Adults overwinter in shallow underground galleries beneath flat rocks.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Circus hudsonius northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Coccyzus americanus occidentalis western yellow-billed cuckoo	Fed: **THR** CA: **END**	Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest. Nests are typically placed (72% of the time) in willows (Salix spp.), particularly in black willow (S. gooddingii), red willow (S. laevigata), and sandbar willow (S. exigua). This species typically requires large blocks of intact riparian habitat, with anything less than 37 acres in size and 328 feet wide generally considered unsuitable. Breeding season home ranges can be as much as 100 acres per individual bird. Yellow-billed cuckoos are considered rare anywhere in southern California outside of the Colorado River.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Coelus globosus globnose dune beetle	Fed: None CA: None	Inhabits foredunes and sand hummocks immediately bordering the coast from Bodega Bay Head to Ensenada, Baja California and all of the Channel Islands with the exception of San Clemente Island.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Coturnicops noveboracensis yellow rail	Fed: None CA: SSC	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass, and rice fields.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Danaus plexippus plexippus pop. 1 monarch - California overwintering population	Fed: PT CA: None	Species overwinters along the Pacific Coast from Mendocino County to Baja California primarily in tree groves. Clusters in trees such as eucalyptus, Monterey cypress, and Monterey pine during the winter months.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Egretta thula snowy egret	Fed: None CA: None	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	**Low** Marginal foraging habitat present within and adjacent to the project site. Species occurs commonly in the vicinity of the project site.
Elanus leucurus white-tailed kite	Fed: None CA: FP	Common in savannas, open woodlands, marshes, desert grasslands, partially cleared lands, and cultivated fields. Tend to avoid heavily cleared or grazed areas. Breeds in lowland grasslands, agricultural wetlands, oak-woodland and savannah habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Enhydra lutris nereis southern sea otter	Fed: **THR** CA: None	Primarily inhabit shallow, coastal waters. Particularly found in kelp forests, sandy seafloors, and estuaries. Historically found as far north as Oregon and as far south as Baja California.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Eremophila alpestris actia California horned lark	Fed: None CA: WL	Generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types along the coast or in deserts. Trees and shrubs are usually scarce or absent. Generally rare in montane, coniferous, or chaparral habitats. Forms large flocks outside of the breeding season. Nests in hollows/scrapes on ground near hummocks or other raised earthen features.	No	**Low** Marginal foraging and nesting habitat present within and adjacent to the project site.
Eucyclogobius newberryi tidewater goby	Fed: **END** CA: None	Inhabits lagoons, bar built estuaries, and muted tidal areas such as gated channels, backwaters marshes, and freshwater tributary estuaries peripheral to bays and estuaries.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Eumops perotis californicus western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Falco columbarius merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Falco peregrinus anatum American peregrine falcon	Fed: DL CA: DL; FP	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Gavia immer common loon	Fed: None CA: SSC	Lakes with coves and islands are preferred habitat as they provide cover from predators. In their winter range along the coasts, they occur fairly close to the shore and in bays and estuaries.	No	**Presumed Absent** The project site does not support aquatic areas needed to support this species.
Gelochelidon nilotica gull-billed tern	Fed: None CA: SSC	Found in salt marshes, fields, and coastal bays. Forages over marshes, pastures, farmland, and other open country just inland from the coast. Nests mostly on beaches and islands.	No	**Presumed Absent** The project site does not support aquatic areas needed to support this species.
Gila orcuttii arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Habroscelimorpha gabbii western tidal-flat beetle	Fed: None CA: None	Thrives in coastal habitats with sandy or mudflat areas near water. Also found in associated habitat such as salt marshes, beaches and shores.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Haliotis sorenseni white abalone	Fed: **END** CA: SSC	Typically inhabit rocky substrates, particularly areas interspersed with sand channels at depths between 50 and 180 feet. Historic range south from Baja California north to Point Conception	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Hydrobates furcatus fork-tailed storm-petrel	Fed: None CA: SSC	Breeds on offshore islands and forages in the open ocean. Forms colonies in the breeding season on small Pacific islets with enough soil to dig nest-burrows.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Hydroprogne caspia Caspian tern	Fed: None CA: None	Occurs near large lakes, coastal waters, beaches, and bays. Found on both fresh and salt water, favoring protected waters such as bays and lagoons, rivers, not usually foraging over open sea. Nests on open ground on islands, coasts.		**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Icteria virens yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover including open-canopied valley foothill hardwood, riparian, pinyon-juniper, desert riparian, creosote bush scrub, and Joshua tree woodland. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Larus californicus California gull	Fed: None CA: WL	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	**Present**
Lasiurus cinereus hoary bat	Fed: None CA: None	Thought to prefer trees at the edge of clearings but have also been found in trees in heavy forests, open wooded glades, and shade trees along urban streets and in city parks (Anderson 2002). They roost 3 to 5 m above ground during the day, usually in the foliage of trees. They prefer dense leaf coverage above and an open area below. They also prefer trees that border clearings.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Laterallus jamaicensis coturniculus California black rail	Fed: None CA: **THR**/FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lepus californicus bennettii San Diego black-tailed jackrabbit	Fed: None CA: None	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Microtus californicus stephensi South coast marsh vole	Fed: None CA: SSC	Most common in grasslands, but also found in the coastal zone in saltwater and freshwater marshes, wet meadows, and areas along rivers and lakes Elevation ranges from sea level to over 5,900 feet.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Myotis yumanensis Yuma myotis	Fed: None CA: None	Found in forests and woodlands near water. Roosts in caves, buildings, mines, and crevices.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Nannopterum auritum double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.	No	**Low** There is no suitable habitat present within or adjacent to the project site. Species occurs commonly in the vicinity of the project site.
Numenius americanus Long-billed curlew	Fed: None CA: WL	Preferred winter habitats include large coastal estuaries, upland herbaceous areas, and croplands. On estuaries, feeding occurs mostly on intertidal mudflats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Nycticorax nycticorax black-crowned night heron	Fed: None CA: None	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	No	**Low** There is no suitable habitat present within or adjacent to the project site. Species occurs commonly in the vicinity of the project site.
Nyctinomops macrotis big free-tailed bat	Fed: None CA: SSC	Found in rugged and rocky terrain in arid landscapes. Located in desert shrub, woodland, and evergreen forest communities. Primarily associated with lowlands below 5,900 feet in the southwestern U.S. Roosts in crevices of high cliff faces.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Oncorhynchus mykiss irideus pop. 10 steelhead-southern California DPS	Fed: **END** CA: CE	Found in permanent coastal streams from San Diego to the Smith River.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pandion haliaetus osprey	Fed: None CA: WL	Associated strictly with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. Uses large trees, snags, and dead-topped trees in open forest habitats for cover and nesting. Requires open, clear waters for foraging and uses rivers, lakes, reservoirs, bays, estuaries, and surf zones.	No	**Low** There is no suitable habitat present within or adjacent to the project site. Species occurs commonly in the vicinity of the project site.
Panoquina errans wandering(=saltmarsh) skipper	Fed: None CA: None	Inhabits coastal salt marshes along the west coast of North America from Santa Barbara County in the north to the southern tip of Baja California in the south. Found in coastal lagoons and on coastal bluffs within this area. Specifically, this species is associated with its larval host plant, seashore saltgrass (*Distichlis spicata*)	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pantosteus santaanae Santa Ana sucker	Fed: **THR** CA: SSC	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Streams that Santa Ana Sucker inhabit are generally perennial streams with water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Passerculus sandwichensis beldingi Belding's savannah sparrow	Fed: None CA: END	Inhabitant of rugged, rocky habitats in arid landscapes. Found in a variety of plant associations including desert shrub, woodlands, and evergreen forests. Associated with lowlands.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Passerculus sandwichensis rostratus large-billed savannah sparrow	Fed: None CA: SSC	Breeding habitats of this species is specialized. It is limited to open, low salt marsh vegetation, including grasses (*Spartina, Distichlis*), pickleweed (*Salicornia* spp.), and iodine bush (*Allenrolfea* spp.) around the mouth of the Colorado River and adjacent coastlines of the uppermost Gulf of California. Restricted almost entirely restricted to shorelines within its California nonbreeding range.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pelecanus erythrorhynchos American white pelican	Fed: None CA: SSC	Locally common winter resident of southern California. Typically forage in shallow inland waters, such as open areas in marshes and along lake or river edges. Also occur in shallow coastal marine habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Pelecanus occidentalis californicus California brown pelican	Fed: DL CA: DL	Typically found on rocky, sandy, or vegetated offshore islands, beaches, open sea, harbors, marinas, estuaries, and breakwaters. Nests colonies established on islands without mammalian predators or permanent human habitation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Perognathus longimembris pacificus Pacific pocket mouse	Fed: **END** CA: **CE**	Lives in coastal southern California habitats, specifically on fine-grain sandy substrates within approximately 2.5 miles of the ocean. Occurs in coastal strand, coastal dune, river alluvium and coastal sage scrub.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Phoebastria albatrus short-tailed albatross	Fed: **END** CA: SSC	Congregate in areas of upwelling, where prey is abundant. Found along continental shelf-break areas where depths increase rapidly. Nests on isolated, windswept offshore islands with restricted human access. No known nesting habitat in the continental U.S.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Plegadis chihi white-faced ibis	Fed: None CA: WL	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded partures and croplands. Nests in dense, fresh emergent wetland.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (Artemisia californica). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. Ranges from the Ventura County, south to San Diego County and northern Baja California and it is less common in sage scrub with a high percentage of tall shrubs. Prefers habitat with more low-growing vegetation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Progne subis purple martin	Fed: None CA: SSC	Summer resident in a variety of wooded, low-elevation habitats throughout the state. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pterodroma sandiwchensis Hawaiian petrel	Fed: **END** CA: **END**	Requires remote or high elevations areas. In California, primary habitat is offshore marine environments, but species has been seen along steep coastal cliffs.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pyrocephalus rubinus vermilion flycatcher	Fed: None CA: SSC	Can be found in any open country in the American Southwest, including arid scrublands, farmlands, deserts, parks, and canyon mouths. In more arid areas, species prefers areas near streams or other sources of water. Nests in trees usually 6 to 20 feet aboveground along stream corridors.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Rallus obsoletus levipes light-footed Ridgway's rail	Fed: **END** CA: **END**	Primarily inhabits coastal marshes, lagoons, and their surrounding maritime environments in southern California and northern Baja California. Utilize brackish and freshwater cattail or bulrush marshes in southern California for primary habitat. Nests in marshes where cordgrass (*Spartina foliosa*) is abundant. Requires shallow water and mudflats for foraging with adjacent higher vegetation for cover during high tide.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Rhinichthys Gabrielino Santa Ana speckled dace	Fed: **THR** CA: SSC	Inhabits small, perennial streams with cool, flowing water. Typically found in the headwaters of the Santa Ana and San Gabriel Rivers. Thrives in shallow riffles with gravel and cobble substrates, often in areas with overhanging vegetation for cover.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Riparia riparia bank swallow	Fed: None CA: **THR**	Primarily inhabit open, lowland areas near bodies of water, especially with vertical banks composed of fine-textured sandy soil. Prefer areas where they can excavate burrows such as riverbanks, lakes, shores, coastal bluffs and man-made habitats such as road cuts.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Rynchops niger black skimmer	Fed: None CA: SSC	Primarily inhabit coastal areas, particularly sandy beaches, estuaries, and lagoons, where they forage and nest.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Selasphorus rufus rufous hummingbird	Fed: None CA: None	Breed in open or shrubby areas, forest openings, yards, and parks. During migration they are commonly found in disturbed areas where its food flowers are in bloom. Breeds in the northeastern United States and Canada.	No	**Present**
Setophaga petechia yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Sorex ornatus salicornicus southern California saltmarsh shrew	Fed: None CA: SSC	Thrives in salt marshes and brackish marshes, particularly those dominated by California cordgrass, glasswort, and hairy gumweed. They also occupy areas with dense, low-lying cover and abundant small invertebrates. Upland habitats near the marshes are also important for foraging and refuge during flooding.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Spea hamondii Western spadefoot	Fed: **PT** CA: SSC	Occurs primarily in grasslands, but occasionally occupies valley-foothill hardwood woodlands and orchard or vineyard habitats. Spend much of the year underground in burrows they construct themselves or small mammal burrows. Cover habitat also includes drying mud cracks, boards and other surface objects, and even cow dung. Require ponded areas for breeding.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Sternula antillarum browni California least tern	Fed: **END** CA: **END**	Primarily nests in open sandy beaches, mudflats, and sand dunes along the Pacific coast of California. Prefers areas with sparse vegetative cover near lagoons, estuaries, and bays. Forages in nearshore coastal waterways.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Streptocephalus woottoni Riverside fairy shrimp	Fed: **END** CA: None	Freshwater crustacean that is found in vernal pools in the coastal California area.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Taxidea taxus American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Thalasseus elegans elegant tern	Fed: None CA: None	Primarily inhabits coastal areas of the Pacific coast of southern California and western Mexico. They breed on sandy or rocky islands and beaches, often in dense colonies. During the non-breeding season, they can be found in bays, estuaries, harbors, and lagoons. They rarely venture far offshore or inland.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Thamnophis hammondii Two-striped gartersnake	Fed: None CA: SSC	Utilizes a variety of habitats including forests, mixed woodlands, grassland, chaparral, and farmlands. Often found near ponds, marshes, or streams.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Trigonoscuta dorothea dorothea' Dorothys El Segundo Dune weevil	Fed: None CA: None	Resident of coastal dunes. Occurs at the Bolsa Chica wetlands on Rabbit Island.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Tryonia imitator mimic tryonia	Fed: None CA: None	Lives in freshwater, or brackish estuarine habitats such as herbaceous wetlands and salt marshes, coastal lagoons, and sloughs. Requires areas of permanent water harboring stands of emergent, native vegetation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Vireo bellii pusillus least Bell's vireo	Fed: **END** CA: **END**	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Xanthocephalus xanthocephalus yellow-headed blackbird	Fed: None CA: SSC	Uncommon yearlong resident of southern California throughout freshwater emergent wetlands, and moist, open areas along agricultural areas, and mudflats of lacustrine habitats. Prefers to nest in dense wetland vegetation characterized by cattails, tules, or other similar plant species along the border of lakes and ponds.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
Abronia maritima red sand verbena	Fed: None CA: None CNPS: 4.2	Found primarily along the coastlines of southern California, including the Channel Islands, and northern Baja California. It thrives in stable sand dunes near the ocean, but not directly in the surf, and is characterized by its ability to tolerate salt spray and withstand occasional exposure to sea spray.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Abronia villosa var. aurita chaparral sand-verbena	Fed: None CA: None CNPS: 1B.1	Sandy; Chaparral, Coastal scrub, Desert dunes; Elevation range: 245 to 5250 feet; Blooming period: (Jan) Mar-Sep.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Aphanisma blitoides aphanisma	Fed: None CA: None CNPS: 1B.2	Found in alkaline areas on coastal bluffs and sandy beaches and foredunes in southern California, the Channel Islands, and northern Baja California, Mexico	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Arenaria paludicola Marsh sandwort	Fed: **END** CA: **END** CNPS: 1B.1	Known to occur in wet areas such as marshes, bogs, and swamps along the Pacific Coast from California to Mexico. Blooming period is from May through August.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Astragalus hornii var. hornii Horn's milkvetch	Fed: None CA: None CNPS: 1B.1	It is native to the coastline of Southern California, including the Channel Islands, and Baja California, where it grows in saline habitat on the immediate coastline, such as beach bluffs.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Astragalus pycnostachyus var. lanosissimus Ventura marsh milkvetch	Fed: **END** CA: **END** CNPS: 1B.1	Found only in California, specifically along the coast of Santa Barbara and Ventura counties. Historically, it was found in coastal areas with high water tables, including salt marshes, coastal meadows, and shrublands. Currently, the only known population exists on a disturbed, modified oil waste disposal site near Oxnard.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Atriplex coulteri Coulter's saltbush	Fed: None CA: None CNPS: 1B.2	Grows in alkaline or clay soils within coastal bluff scrub, coastal dunes, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 10 to 1,510 feet. Blooming period is from March to October.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Atriplex pacifica South Coast saltbush	Fed: None CA: None CNPS: 1B.2	Thrives in coastal salt marshes, salt flats, beaches, and dunes along the coastline of southern California and Baja California. It prefers saline environments, full sun, and sandy, well-draining soil. The plant is also found in areas with high salt content in the soil, water, and air.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Atriplex serenana var. davidsonii Davidson's saltscale	Fed: None CA: None CNPS: 1B.2	Primarily found in alkaline soils, particularly on clay soils that are moist in spring and dry in summer. It is typically found along irrigation ditches, lakeshores, and in areas with salt-grass and other halophytes. Its habitat is characterized by alkaline substrates, and it prefers soils derived from sandstone, shale, silt, and limestone.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Berberis nevinii Nevin's barberry	Fed: **END** CA: **END** CNPS: 1B.1	Can be found in a variety of habitats ranging from flat sandy washes, terraces, and canyon floors to ridges and mountain summits. Associated with mesic habitats and alluvial scrub, chamise chaparral, coastal sage scrub, oak woodland and riparian scrub or woodland communities.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Camissoniopsis lewisii Lewis' evening primrose	Fed: None CA: None CNPS: 3	Native to southern California and Baja California. Grows in coastal habitat and on grasslands of inland mountain ranges in sandy or clayish substrates below 1,000 feet. Blooms from March to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Centromadia parryi ssp. australis Southern tarplant	Fed: None CA: None CNPS: 1B.1	Prefers marshes and swamps (margins), valley and foothill grasslands (vernally mesic), and vernal pools. From 0 to 1,410 feet in elevation. Blooming period is from May to November.	No	**Low** Marginal habitat present within the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Chloropyron maritimum ssp. maritimum salt marsh birds-beak	Fed: None CA: None CNPS: 1B.2	Thrives in coastal salt marshes, particularly in the upper tidal zones. Its habitat includes the upper terraces and higher edges of salt marshes where tidal inundation occurs periodically. It's found in southern and central California and adjacent northern Baja California, Mexico.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Cistanthe maritima seaside cistanthe	Fed: None CA: None CNPS: 4.2	Occurs within coastal bluff scrub, coastal scrub, and valley foothill grassland communities. Grows from sea level to approximately 1,000 feet above mean sea level. Blooms from March through June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dudleya multicaulis many-stemmed dudleya	Fed: None CA: None CNPS: 1B.2	Clay (often); Chaparral, Coastal scrub, Valley and foothill grassland; Elevation range: 50 to 2590 feet; Blooming period: Apr-Jul.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Eleocharis parvula small spikerush	Fed: None CA: None CNPS: 4.3	Grows in wet or damp environments such as marshes, mudflats, and shores of lakes and ponds. Requires wetlands and full sun. Can grow in salty, silty, or clay soils. Can also be found in wet openings, irrigation ditches, and edges of freshwater lakes and streams.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Eryngium aristulatum var. parishii San Diego button-celery	Fed: **END** CA: **END** CNPS: 1B.1	Grows in clay soils and surface and non-surface hard pan. Restricted to vernal pools and areas adjacent to and around vernal pools. Blooms from April to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Helianthus nuttallii ssp. parishii Los Angeles sunflower	Fed: None CA: None CNPS: 1A	Occurs in marshes, swamps, and on damp river banks. Found at elevations ranging from 16 to 5,495 feet. Blooming period is from August to October.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Hordeum intercedens vernal barley	Fed: None CA: None CNPS: 3.2	Found in coastal dunes, coastal scrub, vernal pools, and valley and foothill grassland habitats. Found at elevations ranging from 16 to 3,281 feet. Blooming period is from March to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Isocoma menziesii var. decumbens decumbent goldenbush	Fed: None CA: None CNPS: 1B.2	Found in moist areas within coastal sage scrub and wetland riparian communities. Also grows in disturbed habitats. Blooming period is April through November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Juncus acutus ssp. leopoldii southwestern spiny rush	Fed: None CA: None CNPS: 4.2	Found in coastal dunes (mesic), meadows and seeps (alkaline), and marshes and swamps (coastal salt). Found at elevations ranging from 0 to 3,115 feet. Blooming period is from May to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lasthenia glabrata* ssp. *coulteri Coulter's goldfields	Fed: None CA: None CNPS: 1B.1	Prefers playas, vernal pools, and coastal salt marshes and swamps. Found at elevations ranging from 3 to 4,003 feet. Blooming period is from February to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lycium californicum California boxthorn	Fed: None CA: None CNPS: 4.2	Typically thrives in coastal bluffs and terraces along the southern California coast and on coastal islands. It can also be found in coastal sage scrub and low, sparse desert areas. Blooming period is March through August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Nama stenocarpa mud nama	Fed: None CA: None CNPS: 2B.2	Grows on the muddy embankments of ponds and lakes. Also reported to utilize river embankments. From 16 to 1,640 feet in elevation.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nasturtium gambelii Gambel's water cress	Fed: None CA: None CNPS: 1B.1	Brackish marsh, freshwater marsh, swamps, and wetlands. From 16 to 1,083 feet in elevation.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Navarretia prostrata prostrate vernal pool navarretia	Fed: None CA: None CNPS: 1B.2	Grows in moist or wet places including alkaline floodplains and vernal pools. Blooms from April to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nemacaulis denudata var. denudate Coast woolly-heads	Fed: None CA: None CNPS: 1B.2	Thrives in sandy habitats, particularly coastal beaches and dunes. It is a California native, but also extends into western Arizona, Baja California, and northwestern Sonora, Mexico. This variety is specifically adapted to the harsh conditions of the coastal strand environment, including hot, dry, windy, and salty conditions.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Orcuttia californica California Orcutt grass	Fed: **END** CA: **END** CNPS: 1B.1	Primarily restricted to the southern basaltic claypan vernal pools at the Santa Rosa Plateau, and alkali vernal pools at Skunk Hollow, and at Salt Creek. Grows in elevations ranging from 45 to 2,165 feet above msl. Blooming period is from April to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phacelia ramosissima var. austrolitoralis south coast branching phacelia	Fed: None CA: None CNPS: 3.2	Typically found in coastal environments. Its habitat includes sand dunes, salt marshes, coastal bluffs, and other areas where it can tolerate sandy, well-drained soils.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Sidalcea neomexicana Salt Spring checkerbloom	Fed: None CA: None CNPS: 2B.2	Habitat includes chaparral, coastal scrub, lower montane coniferous forest, plays, and mojavean desert scrub. Found at elevations ranging from 49 to 5,020 feet. Blooming period is from March to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Suaeda esteroa estuary seablite	Fed: None CA: None CNPS: 1B.2	Typically thrives in coastal salt marshes and estuaries, specifically in the estuaries of southern California and Baja California. It's a perennial herb often found growing in marsh and swamp environments, commonly at elevations of 0 to 17 feet above mean sea level.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Suaeda taxifolia woolly seablite	Fed: None CA: None CNPS: 4.2	Thrives in coastal salt marshes, saline habitats, beaches, dunes, and scrub areas along the coastline of southern California and Baja California. It is found in areas with high salt content in the soil, water, and air, such as coastal bluffs and berms. This plant is typically found in the transition zone between coastal salt marsh wetlands and more upland dune scrub habitats, along the margins of estuaries.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Symphyotrichum defoliatum San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Streambanks; Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Marshes and swamps, Meadows and seeps, Valley and foothill grassland (vernally mesic); Elevation range: 5 to 6695 feet; Blooming period: Jul-Nov.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
SPECIAL-STATUS PLANT COMMUNITIES				

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Southern Coastal Salt Marsh	CDFW Sensitive Habitat	Intertidal habitat where terrestrial plants adapted to saline conditions are the dominant species. These marshes are characterized by regular tidal flooding and the presence of salt-tolerant vegetation like cordgrass (*Spartina alterniflora*). They support a variety of marine life and are important nurseries for many fish and shellfish species.	No	**Absent** This habitat was not observed as occurring within or adjacent to the project site.
Southern Dune Scrub	CDFW Sensitive Habitat	Characterized by densely packed shrubs, scattered grasses, wildflowers, and open sand dunes, typically found inland from foredune communities. These habitats are often the result of disturbances like fires or dune blowouts, which can create different stages of ecological succession. The vegetation is generally less than three feet high and includes a variety of shrubs, subshrubs, and herbs adapted to the sandy and dry conditions.	No	**Absent** This habitat was not observed as occurring within or adjacent to the project site.
Southern Foredunes	CDFW Sensitive Habitat	A unique coastal habitat in Southern California, characterized by its succulent and perennial herbs and subshrubs, and the absence of perennial grasses. Integrates with upper beaches. This habitat is drier, slightly warmer, and experiences weaker, less persistent onshore winds compared to active coastal dunes.	No	**Absent** This habitat was not observed as occurring within or adjacent to the project site.
Southern Cottonwood Willow Riparian Forest	CDFW Sensitive Habitat	Dominated by winter-deciduous trees, specifically Fremont cottonwood (*Populus fremontii*) and several species of willow (*Salix* sp.). These forests are characterized by a tall, multi-layered canopy and often have a dense understory of shrubs and herbaceous plants. They are found along rivers, streams, and other bodies of water, typically in areas with moist, bare mineral soil.	No	**Absent** This habitat was not observed as occurring within or adjacent to the project site.

U.S. Fish and Wildlife Service (USFWS) - Federal
END - Federally Endangered
THR - Federally Threatened
PT - Proposed Threatened
DL - Delisted

California Department of Fish and Wildlife (CDFW) - California
END - State Endangered
CE - State Candidate Endangered
SSC - Species of Special Concern
WL - Watch List
FP - Fully Protected

California Native Plant Society (CNPS)
California Rare Plant Rank
1A Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
3 Plants about which we need more information
4 Plants of Limited Distribution – A Watch List

Threat Ranks
0.1 - Seriously threatened in California
0.2 - Moderately threatened in California
0.3 - Not very threatened in California

Appendix D Regulations

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits "take" of threatened or endangered species. "Take" under the ESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered "take." This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines "endangered" and "rare" species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, "endangered" species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while "rare" species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in "take" of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") are regulated by CDFW. Habitat degradation or modification is not included in the definition of "take" under CESA. Nonetheless, CDFW has interpreted "take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Senate Bill 147 passed in 2023, amends the Fish and Game Code as it pertains to fully protected species, allowing CDFW to issue take permits for fully protected species. This bill authorizes CDFW to issue a permit under CESA which would authorize the take of a fully protected species resulting from impacts attributable to implementation of specified projects if certain conditions are satisfied, including, among others, the conditions required for the issuance of an incidental take permit (ITP).

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

2A- Plants Presumed Extirpated in California, But More Common Elsewhere

2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of "Waters of the United States"; Conforming (September 8, 2023), "waters of the United Sates" are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:
(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(ii) The territorial seas; or
(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:
(i) Waters identified in paragraph (a)(1) of this section; or
(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.*, gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) ***Wetlands*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) ***Adjacent*** means having a continuous surface connection

(3) ***High tide line*** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) ***Ordinary high water mark*** means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) ***Tidal waters*** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

Magnuson-Steven's Conservation and Management Act

The Magnuson-Steven's Conservation and Management Act (MSA) provides the U.S. with exclusive fishery management rights to all fish within and beyond the U.S.'s exclusive economic zone and all Continental Shelf fishery resources, except when fish are within the waters of a foreign nation, and allows the U.S. to regulate international fishing within waters managed by the U.S.

Through Section 303 of the MSA, the National Oceanic and Atmospheric Administration (NOAA) is required to work with regional Fishery Management Councils to develop fishery management plans (FMPs) for the protection of fisheries under their jurisdiction. These FMPs are implemented by NOAA's National Marine Fisheries Service (NMFS). One of the required provisions in FMPs is to establish Essential Fish Habitat (EFH) defined as *those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity* (MSA, 16 U.S.C. 1801 et seq.). Through Section 305(b) of the MSA, federal agencies are required to consult with the NMFS on activities that may affect EFH for species that are managed under fishery management plans.

NMFS must provide the consulting Federal agency with EFH conservation recommendations for any action that would adversely affect EFH. Within 30 days of receiving these recommendations, the consulting action agencies must provide a detailed response in writing to NMFS that includes measures proposed to avoid, minimize, or offset the impact of proposed activities on EFH.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

(1) substantially obstruct or divert the natural flow of a river, stream, or lake;

(2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
(3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state's authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.

California Coastal Commission

Chapter 3 of the California Coastal Act (§30000 *et seq*) contains policies to protect water quality and the biological productivity of coastal waters (PRC Section 30231); avoid and minimize dredging, diking, and filling sediments (PRC Section 30233); and mitigate wetland impacts (PRC Section 30607.1). In addition, under the California Coastal Act "environmentally sensitive area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (PRC Section 30107.5).

The California Coastal Act requires that jurisdictions protect Environmentally Sensitive Habitat Areas (ESHA). Specifically, PRC Section 30240 states that:

a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Coastal Act generally protects ESHAs where they exist; it also protects "against any significant disruption of habitat values". Section 30007.5 of the Coastal Act states that where there is a conflict between policies that it:

…be resolved in a manner, which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.